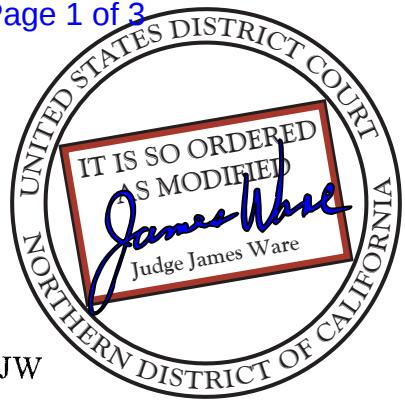


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION



-----x
 THE NEW YORK CITY EMPLOYEES' :
 RETIREMENT SYSTEM, *et al.*, :
 v. :
 Plaintiffs, :
 :
 LISA C. BERRY, :
 :
 Defendant. :
 -----x

Case No. C 08-0246-JW

**STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5.

The parties agree to participate in the following

Court Processes:

Non-binding Arbitration (ADR L.R. 4)
 Early Neutral Evaluation (ENE) (ADR L.R.5)
 Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (*please identify process and provider*) Mediation

The parties agree to hold the ADR sessions by:

the presumptive deadline (the deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)

other requested deadline Parties will confer regarding scheduling of mediation

The parties intend to file a stipulation extending defendant Berry's time to respond to the Complaint pending resolution of the mediation.

Dated: May, 12, 2008

LOWEY DANNENBERG COHEN & HART, P.C.

/S/ DAVID C. HARRISON

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I, David C. Harrison, am the ECF user whose ID and password are being used to file this Stipulation and [Proposed] Order Selecting ADR Process. In compliance with General Order 45, X.B., I hereby attest that Rebecca F. Lubens has concurred in this filing.

May 12, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

/S/ REBECCA F. LUBENS

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*Attorneys for Defendant
Lisa C. Berry*



CLOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Private Mediation

Deadline for ADR session

The parties will meet and confer regarding the scheduling of mediation and advise the Court by August 14, 2008 as to the deadline to complete mediation.

IT IS SO ORDERED.

Dated: May 14, 2008



UNITED STATES DISTRICT JUDGE